

SEXUAL ASSAULT INVESTIGATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Angela Romero

Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill address sexual assault investigations by law enforcement agencies.

Highlighted Provisions:

This bill:

- ▶ requires the Peace Officer Standards and Training Council to establish a model sexual assault investigation policy that can be used by law enforcement agencies;
- ▶ requires a law enforcement agency to report to the State Commission on Criminal and Juvenile Justice whether the law enforcement agency has complied with certain statutory requirements regarding sexual assault investigations; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-6-107, as last amended by Laws of Utah 2022, Chapter 182

53-6-109, as enacted by Laws of Utah 2021, Chapter 316

53-24-102, as enacted by Laws of Utah 2023, Chapter 158



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53-6-107** is amended to read:

30 **53-6-107. General duties of council.**

31 (1) The council shall:

32 (a) advise the director regarding:

33 (i) the approval, certification, or revocation of certification of any certified academy
34 established in the state;

35 (ii) minimum courses of study, attendance requirements, and the equipment and
36 facilities to be required at a certified academy;

37 (iii) minimum qualifications for instructors at a certified academy;

38 (iv) the minimum basic training requirements that peace officers shall complete before
39 receiving certification;

40 (v) the minimum basic training requirements that dispatchers shall complete before
41 receiving certification; and

42 (vi) categories or classifications of advanced in-service training programs and
43 minimum courses of study and attendance requirements for the categories or classifications;

44 (b) recommend that studies, surveys, or reports, or all of them be made by the director
45 concerning the implementation of the objectives and purposes of this chapter;

46 (c) make recommendations and reports to the commissioner and governor from time to
47 time;

48 (d) choose from the sanctions to be imposed against certified peace officers as
49 provided in Section [53-6-211](#), and dispatchers as provided in Section [53-6-309](#);

50 (e) establish and annually review:

51 (i) minimum use of force standards for all peace officers in the state;

52 ~~[(f)]~~ (ii) [establish and annually review] minimum standards for officer intervention
53 and the reporting of police misconduct based on Section [53-6-210.5](#); and

54 (iii) the best practices for investigating sexual assaults;

55 (f) in consultation with the Utah Victim Services Commission's subcommittee on rape
56 and sexual assault created in Subsection [63M-7-903\(5\)\(b\)](#), create and, if necessary, annually
57 update a model sexual assault investigation policy based on the best practices established in
58 Subsection (1)(e)(iii) that can be adopted and used by a law enforcement agency; and

59 (g) perform other acts as necessary to carry out the duties of the council in this chapter.

60 (2) The council may approve special function officers for membership in the Public
61 Safety Retirement System in accordance with Sections [49-14-201](#) and [49-15-201](#).

62 Section 2. Section **53-6-109** is amended to read:

63 **53-6-109. Mandatory compliance with minimum use of force standards.**

64 Peace officers and the agencies that employ peace officers shall comply with, and
65 enforce compliance with, the minimum use of force standards described in Subsection
66 ~~[53-6-107(1)(e)]~~ [53-6-107\(1\)\(e\)\(i\)](#).

67 Section 3. Section **53-24-102** is amended to read:

68 **53-24-102. Sexual assault offense reporting requirements for law enforcement**
69 **agencies.**

70 (1) As used in this section:

71 (a) "Commission" means the State Commission on Criminal and Juvenile Justice
72 created in Section [63M-7-201](#).

73 (b) "Sexual assault offense" means:

74 (i) rape, Section [76-5-402](#);

75 (ii) rape of a child, Section [76-5-402.1](#);

76 (iii) object rape, Section [76-5-402.2](#);

77 (iv) object rape of a child, Section [76-5-402.3](#);

78 (v) forcible sodomy, Section [76-5-403](#);

79 (vi) sodomy on a child, Section [76-5-403.1](#);

80 (vii) forcible sexual abuse, Section [76-5-404](#);

81 (viii) sexual abuse of a child, Section [76-5-404.1](#);

82 (ix) aggravated sexual abuse of a child, Section [76-5-404.3](#);

83 (x) aggravated sexual assault, Section [76-5-405](#); or

84 (xi) sexual battery, Section [76-9-702.1](#).

85 (2) (a) Beginning January 1, 2025, a law enforcement agency shall:

86 (i) annually, on or before April 30, submit a report to the commission for the previous
87 calendar year containing the number of each type of sexual assault offense that:

88 ~~[(i)]~~ (A) was reported to the law enforcement agency;

89 ~~[(ii)]~~ (B) was investigated by a detective; and

90 [(iii)] (C) was referred to a prosecutor for prosecution; and
91 (ii) submit a report to the commission on whether the law enforcement agency has
92 created and publicly posted on the law enforcement agency's website:
93 (A) the policy described in Subsection 53-24-101(1)(a); and
94 (B) the guide described in Subsection 53-24-101(2)(a).
95 (b) A law enforcement agency shall:
96 (i) compile the report described in Subsection [~~(2)(a)~~] (2)(a)(i) for each calendar year in
97 the standardized format developed by the commission under Subsection (3); and
98 (ii) publicly post the information reported in Subsection [~~(2)(a)~~] (2)(a)(i) on the law
99 enforcement agency's website.
100 (3) The commission shall:
101 (a) develop a standardized format for reporting the data described in Subsection (2);
102 (b) compile the data submitted under Subsection (2); and
103 (c) annually on or before August 1, publish a report of the data described in Subsection
104 (2) on the commission's website.
105 Section 4. **Effective date.**
106 This bill takes effect on May 1, 2024.